

REMARKS

This Response is submitted in reply to the final Office Action dated November 19, 2007, issued in connection with the above-identified application. Claims 1-26 are all the claims pending in the application. By this Response, no claims have been amended, and no new matter has been introduced. Reconsideration is respectfully requested.

In the Office Action, claims 1-4 and 6-26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Higashida et al. (U.S. Patent No. 6,862,401, hereafter "Higashida") in view of Veugen (U.S. Publication No. 2006/0193607, hereafter "Veugen"). Additionally, claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Higashida. The Applicants respectfully traverse the rejections noted above.

In the Office Action, the Examiner relied on Higashida in view of Veugen for disclosing or suggesting the features recited in independent claims 1 and 19. Specifically, the Examiner relied on Higashida for discloses all the features of independent claims 1 and 19, except for recovery data interleaved with AV data during AV recording. The Examiner relied on Veugen for disclosing this feature (see pg. 2-3).

However, the Applicants maintain that Veugen does not qualify as prior art; and therefore, the rejection based on Higashida in view of Veugen by the Examiner under 35 U.S.C. 103(a) is improper.

Veugen claims priority to PCT No. PCT/IB04/50305, which has a filing date of March 22, 2004. Thus, Veugen has an earliest U.S. filing date of March 22, 2004. However, the filing date of the present application is November 14, 2003, which is before March 22, 2004. For at least this reason, Veugen does not qualify as prior art, and any prior art rejection based on Veugen would be improper.

Moreover, as noted above, Higashida fails to disclose or suggest that recovery data is interleaved with AV data during the recording of AV data. Instead, Higashida merely discloses the use of recording history data recorded on a hard disk to identify and then reproduce AV data that has been lost or destroyed.

Nowhere does Higashida disclose or suggest that recovery data is interleaved with AV data during the recording of AV data, as recited in claims 1 and 19. This point by the Applicants

was confirmed by the Examiner in the Office Action (see pg. 2).

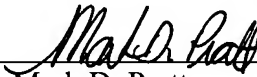
Thus, independent claims 1 and 19 are not anticipated or rendered obvious by the cited prior art. Similarly, dependent claims 2-18 and 20-26 are not anticipated or rendered obvious by the cited prior art based at least on their respective dependency from independent claims 1 and 19.

It is submitted that the pending claims of the present application are clearly allowable, and an early notice of allowance is respectfully requested. If the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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